

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Service Rules for the 746-764 and 776-794) WT Docket No. 99-168
MHz Bands, and Revisions to Part 27 of the)
Commission's Rules.)
)
Carriage of the Transmissions of Digital) CS Docket No. 98-120
Television Broadcast Stations)
)
Review of the Commission's Rules and)
Policies Affecting the Conversion to) MM Docket No. 00-83
Digital Television)

00-39

To: The Commission

**COMMENTS OF APCO
IN RESPONSE TO
FURTHER NOTICE OF PROPOSED RULEMAKING**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's Further Notice of Proposed Rulemaking ("FNPRM"), FCC 00-224 (released June 30, 2000), in the above-captioned proceedings.

APCO is the nation's oldest and largest public safety communications organization, with over 14,000 members involved in the management and operation of police, fire, emergency medical, and other public safety radio communications systems. APCO a certified frequency coordinator all public safety radio frequency bands, including the newly allocated 764-776/794-806 MHz band, which occupies television channels 63, 64, 68, and 69. Acting on behalf of the nation's state and local government

public safety agencies, APCO has been a key participant in all of the Commission's proceedings regarding the 764-776/794-806 MHz band and related issues.

APCO strongly supports the Commission's efforts in this and other proceedings to facilitate an early relocation of television stations from channels 60-69, through band-clearing agreements and similar mechanisms. In many parts of the country, including some of the nation's largest metropolitan areas, television station allotments block use of public safety access to some or all of the 764-776/794-806 MHz band. The sooner stations vacate channels 60-69, the sooner all public safety agencies across the nation will have the opportunity to utilize the valuable spectrum allocated for its use pursuant to Congressional mandate.

The Commission seeks comments in the FNPRM on several methods to facilitate negotiated relocation of TV stations blocking the commercial mobile portion of the 764-806 MHz band. Those stations obviously include channels 60, 61, 62, 65, 66, and 67, which occupy the spectrum reallocated for commercial mobile use. However, three of those channels (62, 65, and 67) are adjacent to channels reallocated for public safety and may block public safety operations due to adjacent channel interference issues. Thus, relocation of those stations would obviously benefit public safety. Similarly, relocation of television stations on channels 63, 64, and 68, due to adjacent channel problems for potential commercial mobile operations, would also free up spectrum for public safety.

While public safety may benefit from band-clearing efforts in the 700 MHz band, APCO strongly agrees with the Commission that public safety licensees should not be required to pay any share of the relocation costs.¹ Unlike new commercial mobile

¹ FNPRM at ¶85.

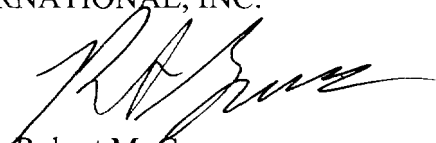
licenses in the band, public safety agencies will not reap any financial benefit from the relocation. Rather, the benefits will be in the nature of improved protection of life, health, and property for all citizens. Requiring public safety agencies to participate in “cost-sharing” would also completely undermine the fundamental principal in the Communications Act that state and local governments must not be required to purchase the right to use radio spectrum for public safety communications operations.

APCO will not address herein the specifics of the various band-clearing proposals discussed in the FNPRM (three-way agreements, secondary auctions, and spectrum sharing), other than to praise the Commission for attempting to develop methods to speed the DTV transition in channels 60-69. We hope the Commission will soon be able to take the next step and implement these and other approaches as quickly as possible. This is not merely a question of freeing up spectrum for new commercial wireless services, and is certainly far more than a tool to raise auction revenue. At issue, quite simply, is whether and when the nation’s police, fire, emergency medical, and other public safety agencies will have access to the radio spectrum they need to protect the safety of life, and health and property.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
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